

PARKS AND CULTURAL AFFAIRS COMMITTEE
Of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Parks and Cultural Affairs Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, **January 12, 2005**.

MEMBERS PRESENT:

Leg. Jay H. Schneiderman, Chairman
Leg. Lynne C. Nowick, Vice•Chairman
Leg. Cameron Alden
Leg. Angie Carpenter
Leg. Jon Cooper
Leg. William J. Lindsay

ALSO IN ATTENDANCE:

Mea Knapp, Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Ronald Foley, Chief Deputy Commissioner of Parks
Charles Bender, Aide to PO's Office
Ben Zwirn, Assistant Deputy County Executive
Elizabeth Harrington, Assistant County Attorney
Daniel Olivieri
Gregory A. Mallow
Frank Tassone, Aide to Majority Leader
Amy Duryea, Aide to Leg. Schneiderman
Eric Brown, Aide to Leg. Schneiderman
Greg Moran, Aide to PO's Office
Sean Clancy, Budget Review Office

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING CONVENED AT 11:06 AM)

CHAIRMAN SCHNEIDERMAN:

Will Legislators for the Parks and Cultural Affairs Committee please report to the horseshoe.

Please rise for the Pledge of Allegiance led by Legislator Alden.

(SALUTATION)

CHAIRMAN SCHNEIDERMAN:

I do not see any yellow speaker cards. I take it that there are none. Okay. Let's move with the agenda here. Mr. Olivieri is here for resolution 2223. It's potential appointment to the Vanderbilt Museum Commission. Mr. Olivieri, if you'll step up to the front table so we can ask you a couple of questions.

MR. OLIVIERI:

Sure.

CHAIRMAN SCHNEIDERMAN:

If you could introduce yourself and tell us why you're interested in serving in this capacity?

MR. OLIVIERI:

Yes. Good morning. Daniel Olivieri. I'm an attorney. And I have •• I live in Harbor Hills School District over in Greenlawn. I've been a lifelong resident of Huntington. I learned of this opportunity from, you know, being a lawyer and speaking with Mr. Cooper. And I had an interest in the museum as a child growing up in the South Huntington School District. I went over there a few times. I noticed over the years the transformation of that museum. It is

something that I think is quite special. And I have an interest in giving back to the community because I just moved into Greenlawn two•and•a•half years ago. I've been living in Baldwin for a couple of years before I got remarried. And I'm interested in serving the community there.

CHAIRMAN SCHNEIDERMAN:

Any questions for Mr. Olivieri? We'll start with Legislator Alden.

LEG. ALDEN:

Hi. Thanks a lot for stepping up and looking to volunteer your time. And this is going to take quite a bit of time, but are you familiar a little bit with the operations of the museum as presently configured?

MR. OLIVIERI:

Very little. I had a few conversations with the Director over there over the phone, trying to get together; but his schedule wasn't permitting us to get together at that time with my schedule. But as a lawyer •• well, part of my practice is dealing with a lot of business planning in a lot of types of areas. My partners are quite active in politics even though I'm not. And they do quite a bit of fundraising and, you know, I'm sure that that's something that the museum would be interested in.

LEG. ALDEN:

Good. I'm glad you brought that up because as far as •• you know, from my perspective, the challenge over at the Vanderbilt is, number one, to raise up, you know, the donations that are going in there; but number two, to develop programs that will provide cash flow to the museum because right now they have a trust fund that has to be dipped into pretty much pretty heavily every year. And if we could rely less on that and more on program, income and more on the contribution end of it, that would be •• it would make us feel a lot more save as far as the financial stability going into the future. So, if that's what you plan on bringing to the table, I commend you on that. And I think you're going to fit in well up there because that's what I see as a major need.

MR. OLIVIERI:

Right. And my partner owns Tello's, one of the restaurants in Huntington. And we do quite a bit fundraisers over there. Quite frankly a lot of its been political, I guess. But we've been starting to move into other areas to serve more of the community.

My middle son is a diabetic. So, my wife has been quite active in that area and stuff. And we've done some •• a little bit of fundraising in that area also.

LEG. ALDEN:

I don't think it would matter even to the sponsor of the resolution whether it's a democrat, republican, conservative, independent; as long as the money goes into the museum and goes for good purposes. I think that non•denominational ••

LEG. COOPER:

I don't even know Mr. Olivieri's party affiliation.

LEG. ALDEN:

I don't either. As long as you can bring money to the table, that's fine. Good.

CHAIRMAN SCHNEIDERMAN:

I'd like to ask a question or two. It's a beautiful museum. I was there as a kid and more recently got a tour of at least some of the facilities. It's really a great asset for the county to have such a fine institution.

Your background, can you tell me, do you have any personal expertise in history; Long Island history, natural history? Is it a hobby of yours or do you have specific training?

MR. OLIVIERI:

Actually if you look at my resume, I have a history degree out of Boston University as an undergraduate. I got a masters of science in the Burban and Policy Science out of Harriman College •• at University •• SUNY Stony Brook. I used to intern for Jerome Ambro, a congressman in Washington.

LEG. COOPER:

I guess you're a democrat.

MR. OLIVIERI:

I guess we are a democratic right now, correct. We •• also I worked out of Washington DC for

a public agency called the Public Service Laboratory. It was one of those think tanks way back when in my early 20's. They did a lot of studies for federal government, whatever they needed done. That was •• you know, and I had a very minor aspect sitting down and doing a lot of mathematical, you know, equations, planning and stuff like that as best I can describe it what I did at that time.

Then I got a job up in Massachusetts before I went to law school working for the Conservation Department wherein I set up the energy conservation program and computers for that state back in the late 70's. Then I decided to go to law school and became a lawyer.

And, you know, thereafter •• a lot of this stuff that happened with me was pretty much involved in what came across in private practice. I fell into representing a Lutheran church. And primarily I used to go around giving a lot of lectures to their schools on how to stay out of trouble, what to look for and what the state laws were and how they applied to the parochial schools. I've done a lot with the bar associations and giving lectures to high school, senior citizens. Also I had a lot to do with boating groups. I used to go around for the power squadron since I was a boater and give lectures on safety for boaters and what the newest laws and regulations were around Long Island.

CHAIRMAN SCHNEIDERMAN:

You certainly satisfied me. The reason I ask the question is because the Charter actually has some specific requirements for people who serve on the Vanderbilt Museum Commission. And your background in history certainly qualifies you under the Charter.

MR. OLIVIERI:

Okay. Thank you. It's also a bit of a hobby.

CHAIRMAN SCHNEIDERMAN:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. I notice that your firm is in Garden City.

MR. OLIVIERI:

Correct.

LEG. CARPENTER:

Do you feel •• and this may have been asked; if so, I apologize for being repetitive, but I had served as trustee on the Vanderbilt Museum Board. And I do know that the time required sometimes can be a lot. The board meetings are held in the evenings. And I remember them going on for hours, but also the commitment to serve on, you know, at least one of the other committees. Is that something that you're prepared to do?

MR. OLIVIERI:

Oh, absolutely.

LEG. CARPENTER:

Great.

MR. OLIVIERI:

In fact, my own private schedule's loosened up quite a bit since I unloaded two college tuitions this year.

LEG. CARPENTER:

That's makes sense, yes. Congratulations. And I see your partner is Lamagna. And I would presume that's Dale?

MR. OLIVIERI:

No, it's not. Steve. He's a •• he's a criminal defense attorney.

LEG. CARPENTER:

Oh, too bad. I was hoping it was Dale and that certainly would have helped with the fundraising for the museum.

MR. OLIVIERI:

No relationship.

LEG. CARPENTER:

All right. Well, good luck to you. And, again, as was stated earlier, thank you for accepting and

being willing to step up to the plate. The slot that you are filling was previously held by an appointment I had made, Donna Deluca Periconi, who was a tireless, tireless supporter and advocate for the museum. She chaired many fundraising events and will be a very good role model for you to follow.

MR. OLIVIERI:

Hopefully.

LEG. CARPENTER:

So, good luck to you.

MR. OLIVIERI:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Any other questions or comments? Okay, thank you sir.

MR. OLIVIERI:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Okay. Let's take that **resolution 2223 (appointing Daniel R. Olivieri as a member of the Suffolk County Vanderbilt Museum Commission)** Is there a motion to appoint?

LEG. COOPER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve. I'm sorry, okay. A motion by Legislator Cooper, second by Legislator Carpenter. All in favor? Any opposed? Abstentions? Resolution is approved. **(Vote: 5•0•0 •1. Leg. Lindsay not present)** I took that right away so you wouldn't have to stay for the whole meeting. You're welcome to.

MR. OLIVIERI:

I'm just going to stay for a few more minutes and watch.

CHAIRMAN SCHNEIDERMAN:

Okay. But congratulations. You do not have to appear before the full committee •• the full Legislature. You can if you want, but we will convey our impressions of you from today. And I don't think you'll have any problem. Okay? Thank you.

MR. OLIVIERI:

Thank you very much.

LEG. COOPER:

Thank you very much, Dan.

MR. OLIVIERI:

Thank you very much, Mr. Cooper.

CHAIRMAN SCHNEIDERMAN:

Let's do the one other tabled; then I'll see if the Commissioner •• actually we might need the Commissioner on this one. **Resolution 2265, donation and dedication of certain lands owned by Long Island Property Group to the County of Suffolk, Department of Parks, Recreation and Conservation.**

LEG. ALDEN:

I'm going to make a motion to table. I've been working on this for a number of years. And we actually passed this, I believe, last year in December.

CHAIRMAN SCHNEIDERMAN:

Can you explain it a little bit where these lands are.

LEG. ALDEN:

Well, it's a piece of property over in Islip. And it abuts other property that's owned by the County of Suffolk. And these are two brothers that own this. And originally they wanted to build •• you know, combine these lots. It's over •• I believe it's almost two acres. And what they want to do is combine it. Some of it is actually •• there's a little bit water on the property. But they want to combine it, build one or two houses in there. And then I kind of

convinced them to look at maybe •• you know, selling it to Suffolk County. And in further conversations I pretty much convinced them to donate it to Suffolk County. So, over the past couple of years, I thought that was the best way to go, the least expensive for Suffolk County taxpayers and it preserved the property. This was just duplicative. I already have a resolution that passed.

CHAIRMAN SCHNEIDERMAN:

Oh, I see.

LEG. ALDEN:

So, we can actually strike this.

CHAIRMAN SCHNEIDERMAN:

Okay. I see what you're saying. So, this resolution was introduced in the County Executive which duplicates ••

LEG. ALDEN:

We should check with, you know, legislative Counsel; but this was passed, I believe, at the •• at our last meeting in December. Not this one, but the one that •• because I put in a, you know, a resolution that was very similar.

MS. KNAPP:

A very similar resolution.

LEG. ALDEN:

And it accepted this donation from these •• you know, from this corporation, which is comprised of a couple of brothers. So, I think we can get rid of this.

CHAIRMAN SCHNEIDERMAN:

So, this is fully redundant. So, the County Executive branch would have to withdraw this. Is there someone here from that?

LEG. ALDEN:

You can actually just, you know, like, I'll withdraw my motion to table. And then there's no motion. It fails for a lack of motion. And it'll come off the calendar in another couple of

months.

CHAIRMAN SCHNEIDERMAN:

Okay. Why don't we do it like that? You're confident that this is already done; these exact same parcels.

LEG. ALDEN:

Exactly.

MS. KNAPP:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. So, motion to table is withdrawn. Okay. Is there a motion to approve? Jon, you want to make it? If you make a motion to approve, it's going to fail for lack of a second.

LEG. COOPER:

I'd still like to make a motion to table just •• it doesn't hurt. Just until we can get confirmation.

CHAIRMAN SCHNEIDERMAN:

Mr. Zwirn is here. I don't know, Mr. Zwirn, if you were listening in on this conversation from the hall, but Resolution 2265 seems to be duplicative; a resolution has already passed introduced by Legislator Alden that already accepts the gift.

MR. ZWIRN:

Right. I think •• in fact, I think that's the case. It was one of those bills that we talked about • we had gone back and forth and we were trying to improve communications in the future. But I think as a matter of course, I believe it is. So, maybe table subject to call until we can take further action.

CHAIRMAN SCHNEIDERMAN:

That's fine. Motion to table subject to call.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second. All in favor? **(Tabled subject to call. Vote: 5•0•0•1. Leg. Lindsay not present)**

All right. Commissioner Foley, before we get onto the new resolutions, is there anything you want to apprise the Committee of or is there any questions Legislators might have of you?

COMMISSIONER FOLEY:

I have nothing specific today unless you have issues, questions.

CHAIRMAN SCHNEIDERMAN:

I'll be my broken record and ask you once again about the Third House Facility in Montauk and where we are with the •• with the plans to reconstruct the facility.

COMMISSIONER FOLEY:

We are inching closer to successfully getting out to bid. The drawing part of the architect's work is finished. We're just pursuing him now to complete the specifications so we can have a complete bid package anticipating construction sometime mid '05. And we're still on that same track, I hope.

CHAIRMAN SCHNEIDERMAN:

Okay. So, April •• by April you think we'll have a contract in place? March or April?

COMMISSIONER FOLEY:

I'm hoping so, yes.

CHAIRMAN SCHNEIDERMAN:

Okay. Very good. Mr. Lindsay.

LEG. LINDSAY:

Commissioner Foley, I know it's in progress now, but any update on Raynor Park?

COMMISSIONER FOLEY:

I don't have a recent update. They are •• they were successful in engaging a replacement contractor there. They started the work. The last completion date I heard was April '05. I haven't heard anything different than that so I presume that's still the schedule.

LEG. LINDSAY:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Can I ask what's the procedure now that we've approved the site for the nature center at the Scully property? I know it would be an interest of Legislator Alden. What is the process now for developing a plan to turn that into a nature center or interpretive center?

COMMISSIONER FOLEY:

I don't know that there's a process that's completely clear. We're working very closely with DPW. We had a meeting on site with the Legislator, DPW, a number of different entities. We're keeping Seatuck involved in all these discussions. I think we have to get a more complete assessment and estimate of remediation cost on this asbestos and lead question. There's supposedly lead paint in some of the windows and door frames. I think that's really the first step. Let's find out what the cost of going forward is driven by a number of various uses, a list of which we discussed at that meeting. That will paint a better picture for us of what the costs going forward will be and what uses are allowable there. And that's the step we're in right now; is trying to get DPW to give us a firm estimate on what remediation costs will be.

CHAIRMAN SCHNEIDERMAN:

Okay. Any updates on the trap and skeet facility?

COMMISSIONER FOLEY:

Trap and skeet, we're moving forward and anticipating that we'll get the exemption that the Town Supervisor said to the County Executive we would get. We're starting some clean up around the site and some maintenance work and working toward formulating the RFP for an operator for the facility.

CHAIRMAN SCHNEIDERMAN:

Parking improvements or queuing improvements over at Cupsogue?

COMMISSIONER FOLEY:

Cupsogue. That's a difficult one. We have looked at three different alternatives for trying to make traffic flow better there. And we haven't found anything that doesn't cost us so much in the number of parking spots that it's not detrimental to the location. So, we haven't resolved that issue yet. Whatever we do is going to cost more than the money we have available. We'll do some minimal improvements there's, but it's not going to solve the big problem of the traffic backing up into the community.

CHAIRMAN SCHNEIDERMAN:

Are you communicating with the village at all of Westhampton dunes ••

COMMISSIONER FOLEY:

We had earlier. We haven't ••

CHAIRMAN SCHNEIDERMAN:

•• because they might have some creative solutions.

COMMISSIONER FOLEY:

We had talked with them earlier.

CHAIRMAN SCHNEIDERMAN:

And they might be willing to work with you in terms of setting aside land to do such a reconfiguration of the entry.

COMMISSIONER FOLEY:

Okay. We'll go back to the mayor and see what he's got in mind.

CHAIRMAN SCHNEIDERMAN:

Mayor _Figliante_ , I think. I think that's important.

COMMISSIONER FOLEY:

Okay.

CHAIRMAN SCHNEIDERMAN:

Any other questions about our parks? Okay. You got off easy.

COMMISSIONER FOLEY:

Thanks.

CHAIRMAN SCHNEIDERMAN:

I do have one yellow card. So, at this point I'd like to ask Mr. Gregory Mallow from the Sweet Hills •• no, on the topic of the Sweet Hills Riding Stable to come forward. Okay. You may sit at the table. I just want to remind you that you have three minutes to make your presentation.

MR. MALLOW:

Okay. Good morning.

CHAIRMAN SCHNEIDERMAN:

Good morning. The microphone may not be on. There's a switch on the top of it.

MR. MALLOW:

How's that?

CHAIRMAN SCHNEIDERMAN:

That's good.

MR. MALLOW:

Okay. It's been a couple of years since I've been here. And my question was regarding the Sweet Hills Riding Academy in Huntington, New York. It's owned by the County of Suffolk. And it's leased to a vendor.

My regards were my wife was injured there. And 2001 I started doing an investigation. I'm a retired police officer. I found out that the person that leased the property was not upholding her contract. And she was responsible for certain issues there. And she wasn't complying with it. I contacted Ms. Carpenter who told me to come to this meeting. And at the time I spoke to the Head of the Parks Commission. I want to know •• they told me a couple years ago that

they were going to research this and get back to me. They never did. Okay. And I've been there since. And nothing's been done according to her contract. And I have copies of her contract and I have copies of what her proposal was. And still the County doesn't enforce this contract. And I'd like to know why.

CHAIRMAN SCHNEIDERMAN:

All right. Excuse me. Thank you for your question. I am not familiar with the operator of this facility or what the •• the conditions of the contract are. It's something that clearly would fall into the legal department. Do we have somebody from the ••

LEG. ALDEN:

Mr. Chairman?

CHAIRMAN SCHNEIDERMAN:

•• from the County who's from the legal department as well as the Commission? If either one wants to say anything; if not, they certainly heard your questions and they can get back to me on it. Legislator Alden.

LEG. ALDEN:

I was just going to point out that I did see the Commissioner making notes. And I do know that we approved in our budget for 2005 additional spaces for auditing and for contract compliance. So, I think that, you know, with that being said, I think the Commissioner would probably be able •• not to speak for him •• but I think he'd probably be able to come and give us an update at the next Committee meeting.

CHAIRMAN SCHNEIDERMAN:

Yeah, if he needs to; or directly with Mr. Mallow or one of his representatives could contact Mr. Mallow. I have your card here. I'll pass it along. It's got your phone number. Hopefully you'll be able to resolve this to your •• you know, amicably or get the information that you need.

MR. MALLOW:

Can I say one other thing here?

CHAIRMAN SCHNEIDERMAN:

Sure.

MR. MALLOW:

I know you're busy. And you weren't here when I was here the last time. A few of you people weren't here when I was here the last time. When people put proposals into the County and they're awarded contracts, all of us expect they be upheld. That's why we award them these contracts. Five years later, nothing is done. Nobody has answers. I mean don't we find that a little absurd of what's going on here? Why do we authorize that she can build more stables, sell horses? The place is doubled in size since she's taken it over. Has anybody done an EPA study on how many horses can be left on property this size before we contaminate it between the waste from all these animals? I mean, somebody has to look into these issues. This is still our parkland.

CHAIRMAN SCHNEIDERMAN:

That's fair. Sir, you're making representations about a particular vendor. And they're on the record. And I'm sure somebody from the Parks Department will look into the veracity of those •
• those allegations. Thank you. Legislator Carpenter.

LEG. CARPENTER:

Yes, I just, for the record, would like to note that it has been some time since Mr. Mallow came forward with this issue. In fact in the intervening time I know that last year •• I don't believe the entire year past that we heard from you on this. So, it probably was our assumption that it had •• your concerns had been satisfied. However, as you can tell, there is a new committee. There are new members of this Committee that were not familiar •• there's a new Chairman, there's a new County Executive, there's a new Parks Commissioner. So, you'll have to allow everyone the opportunity to get up to speed on it. And if I remember correctly, you were in the process of a lawsuit with the County. Is that situation still ••

MR. MALLOW:

I already said that. My wife got injured there. Yes, there was a lawsuit. I'm glad you brought it up. And that's what started the investigation; when I started digging into the contract to find out who was legally responsible. And it turned out that Suffolk County had a responsibility to ensure that these people kept their trails in order. These trails were in such bad disrepair, that if you go up there and walk these trails, you'd be surprised that they actually let these horses walk on these trails. Okay? I have pictures. It's been documented. We've already been in

litigation with other lawyers from the County. They have the pictures in hand. The last time I was here and I spoke to the last Commissioner and his name ••

LEG. CARPENTER:

If I could just interrupt. Again, and I asked question about a lawsuit because that sort of ties our hands as far as what we can discuss if you're in the process of suing us. So, I would just ask through the Chairman if you could ask Counsel to comment on whether or not we should be, you know, proceeding any further with this kind of discussion.

MS. KNAPP:

I think the Committee has acted very appropriately. You can certainly listen to Mr. Mallow •• Mr. Mallow's concerns. However, it's probably not appropriate to make specific comment on ••

MR. MALLOW:

Excuse me, Ms. Knapp. This has nothing to do with the lawsuit. This just has to do with her enforcing the contract that she signed.

CHAIRMAN SCHNEIDERMAN:

Has this lawsuit been dropped?

MR. MALLOW:

I'm not bringing anything else up here about a lawsuit.

CHAIRMAN SCHNEIDERMAN:

Is this an active lawsuit?

MR. MALLOW:

No, it's active. And that's how I found out about all of this. Otherwise I would have never brought this up. My main concern •• it's not for me. This is for the people of Suffolk County. Okay? You have a public riding arena in there. She's storing farm equipment and horses in there. I don't go there anymore. My wife doesn't go there anymore. But there are people that go there. Okay? And something should be done. You're opening yourself up and the County and my tax dollars for another lawsuit. And it's going to happen because somebody's going to get hurt. This has nothing to do with the lawsuit. And that's not why I'm here. I'm here to

find out if the County, the Legislature, the Parks Department has been active in making sure that she upholds her contract and what she's supposed to do to ensure the safety of the taxpayers of Suffolk County. And that's why I'm here. And that's the only reason I'm here. Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you, sir. Is there anyone else who did not submit a card who wishes to be heard before the Committee? Okay. So, we'll move on with the agenda.

Resolution 2323, appointing Maria Figalora as a member of the Suffolk County Vanderbilt Museum Commission. Legislator Carpenter.

LEG. CARPENTER:

Mr. Chairman, I would like to table that resolution. Miss Figalora will be at our next Committee meeting. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Motion to table by Legislator Carpenter, second by Legislator Alden. All in favor of tabling? Any opposed? **So tabled. (Vote: 6•0)**

2325, authorizing use of Makamah Preserve in Northport by Northport Road Runners Club. Commissioner, was there a question, I think you had brought to me on Resolution 2325 and the appropriate fees on that?

COMMISSIONER FOLEY:

Yes. There was an error in setting the fee there. The fee should be \$250 instead of 187. And we are in possession of the group's check for \$250.

CHAIRMAN SCHNEIDERMAN:

Can •• counsel, can Legislator Cooper amend this on the floor or does he have to ••

LEG. COOPER:

It's already been amended; but I would like to ask Legislative Counsel to explain, there are a couple of technical corrections that were suggested by the County Attorney's Office. We've

come up with two different versions of the resolution. And, Mea, if you can explain the difference between the two. I'm leaning towards version one but ••

MS. KNAPP:

Okay. This came up in the context and Commissioner Foley is absolutely correct. It should be \$250. And that correction is made regardless of which version of the resolution is ultimately filed as the amended copy. Again, as I pointed out to Legislator Cooper, this resolution is an exact duplicate of one that was drafted last year, passed in January and apparently implemented incorrectly. So, I certainly apologize to the Commissioner and to Legislator Cooper •• although I didn't draft it •• for it being incorrect the first time.

We have amended it not only to correct the \$250, but to take out a contradictory whereas clause that was in there. And there were some other comments where the group would also be required to supply their declaration page of their insurance policy in addition to the standard certificate of insurance, which is what we have done historically in the 12 years that I've been around the County. And, also there was a request for a certificate from •• a certificate of authority from the New York State Tax Commissioner in the event they chose to vend food in addition to the vendor's certificate that we have historically required. And, again, you know, I'm not sure •• other than the \$250 requirement, we have as a County proceeded under the former requirements successfully before. I don't •• I don't view this an absolutely legal requirement to secure the additional certificate from the Tax Commissioner; nor do I believe that the declaration page is absolutely necessary. But certainly the Legislator sponsor will decide.

CHAIRMAN SCHNEIDERMAN:

Tell me what you want to do here.

LEG. COOPER:

I'd really like to come up with wording, if possible, that would be satisfactory to everyone. We could •• the options are either approving this out of Committee, making some additional technical corrections by Friday that hopefully would be satisfactory to everyone. That would be my preference. If that could not be done, we could discharge without recommendation and allow the changes to be made. Third option would be to delay this for one cycle. I'd prefer not to do that. The raise doesn't take place until April. We could, but I'd prefer to get this settled.

CHAIRMAN SCHNEIDERMAN:

I suggest that since there are technical problems with the resolution, we discharge it without recommendation. And then it won't hold it up for a cycle. And it gives you time to fix those. Legislator Alden.

LEG. ALDEN:

Is there a motion yet?

CHAIRMAN SCHNEIDERMAN:

We're trying to figure out which way to move on it. So, there's no motion.

LEG. ALDEN:

So basically •• I didn't hear a technical problem with it. I just heard that the County Attorney's Office would like certain requirements that we haven't, you know, required of other people in the past.

CHAIRMAN SCHNEIDERMAN:

Well, the funds don't match.

LEG. ALDEN:

Well the funds •• they do because now you've got two clauses in here. And I think the first resolve clause on both of these versions that I'm looking states that 250 •• \$250. So, I don't see a problem with that. Because I mean 187 is referenced in a whereas clause. And it's not a resolve clause. So, I don't think that's a technical problem. I would just ask the sponsor, you know, like tell us which one you're going to make a motion on and I'll make a second.

LEG. COOPER:

Okay. I'll make a motion to approve version one of 2325.

LEG. ALDEN:

Second.

CHAIRMAN SCHNEIDERMAN:

Just state just for the record again what version one is so we know which one we're approving.

LEG. COOPER:

Do you have it in front of you?

CHAIRMAN SCHNEIDERMAN:

I have version one. Okay. I do have a copy.

LEG. COOPER:

You're leaning towards version two?

MS. KNAPP:

If you don't mind, because there hadn't been a decision yet and the amended copy deadline is not until Friday, you know, you really shouldn't be voting on something that has not been filed. So ••

LEG. ALDEN:

It hasn't been filed?

MS. KNAPP:

It has not yet been filed because we didn't know which version to file.

CHAIRMAN SCHNEIDERMAN:

The amended one hasn't been filed.

MS. KNAPP:

Right. So, in the interest of consistency since in an earlier meeting there was another technical defect, would you mind ••

LEG. COOPER:

That would be fine.

MS. KNAPP:

And then we will file whichever version •• and you may wish to share with the committee which

one •• that's up to you.

LEG. COOPER:

All right. So, let's go ahead and I'd make a motion to discharge without recommendation version one of 2325.

LEG. ALDEN:

No, just 2325.

LEG. COOPER:

I don't have to specify?

CHAIRMAN SCHNEIDERMAN:

These don't exist yet.

LEG. ALDEN:

Just say 2325.

LEG. COOPER:

Okay.

LEG. ALDEN:

Second.

CHAIRMAN SCHNEIDERMAN:

All in favor of discharging without recommendation? Any opposed? Abstentions? Okay. **So that is successfully discharged without recommend. (Vote: 6•0)**

Resolution 2326, reappointing a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation, Christopher C. Drake. I'll make a motion to approve.

LEG. CARPENTER:

Is he here?

CHAIRMAN SCHNEIDERMAN:

He actually was appointed. There was a vacancy that he had filled at the very end of the term. So, we just •• he was here very recently. And now this would be his first full term. He finished somebody else's term.

LEG. CARPENTER:

Second.

LEG. ALDEN:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Alden.

LEG. ALDEN:

Do we know if he's showing up at the meetings and things like that? Maybe the Commissioner or somebody could help us in that regard.

CHAIRMAN SCHNEIDERMAN:

This is Southold Town.

COMMISSIONER FOLEY:

I'm sorry. I missed that.

CHAIRMAN SCHNEIDERMAN:

This is Southold Town's representative. The name is Christopher Drake.

COMMISSIONER FOLEY:

Yes. You just appointed him in the last couple of months. He appeared before you. The term he was appointed to was filling somebody else's vacancy. It expired.

LEG. LINDSAY:

Has he been coming to the meetings?

COMMISSIONER FOLEY:

There's only been one since you confirmed him. And, Yes, he was there.

CHAIRMAN SCHNEIDERMAN:

Okay. 100%. Not bad. He's come to all of them.

COMMISSIONER FOLEY:

Yes, so far.

CHAIRMAN SCHNEIDERMAN:

There's a motion and a second. All in favor? Any opposed? **Approved.**

(Vote: 6•0)

Resolution 2342, amending the adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget Program and appropriating funds in connection with parking lot improvements at Meschutt County Park. There is actually some technical problems with this resolution 2342. I'm going to make a motion to table. And if we get a second, we can discuss it.

LEG. ALDEN:

Second.

CHAIRMAN SCHNEIDERMAN:

Okay, there's a motion and a second. Legislator Lindsay.

LEG. LINDSAY:

Yes. The question I had is taking the money from the 477 account, is this for storm water remediation some how; storm drains, and stuff like that?

COMMISSIONER FOLEY:

Yes. There is currently no drainage system in that parking lot. It drains directly into the Bay. The proposal, the preliminary design is to install catch basins, which would route the flow of

water into a catch basin.

LEG. LINDSAY:

So the purpose of the job is to remediate storm water runoff?

LEG. FOLEY:

Right; stop the direct discharge really.

LEG. LINDSAY:

That answered my question.

CHAIRMAN SCHNEIDERMAN:

Legislator Alden.

LEG. ALDEN:

Now, this project originally was scheduled to go into the capital budget. And how many dollars are we talking about here?

COMMISSIONER FOLEY:

The resolution is a million. I'm not sure of the total cost of the project. I don't recall.

LEG. ALDEN:

Okay. Because I see almost like an inappropriate, you know, switch from •• it was already scheduled to go into the capital program. And now we're going to switch it out of that and go into the 477.

COMMISSIONER FOLEY:

I don't recall having this in the capital program; not the one that was approved anyway.

LEG. ALDEN:

It's not in the capital program?

COMMISSIONER FOLEY:

I don't think it is. There are a couple of projects for Meschutt in capital. One of them is a dredging project that should be going out now. That was before you recently. I don't think we

had anything in to fix this drainage problem.

LEG. ALDEN:

Then it becomes even more important because all those capital projects are rated basically and ••

COMMISSIONER FOLEY:

Are what?

LEG. ALDEN:

They're rated as far as, you know, like when they should be done as far as importance. So, taking money out of the 477 account, again, which we should not be doing, I don't believe at this point, if this is appropriate to be done out of the capital project. Or if it should have been done out of the capital project, it should have been included in the program when we considered that last year. So, I'm not so sure why the 477 Water Quality Fund was chosen because the majority of this is parking lot paving.

COMMISSIONER FOLEY:

Well, it's really not. It's the drainage system primarily. There will be paving to restore whatever damage is done in putting the drainage system in. It's really a drainage project. And that's the rationale behind it.

CHAIRMAN SCHNEIDERMAN:

It's to catch the storm water run•off on the parking lot and put it into basins rather than putting it into the harbor?

COMMISSIONER FOLEY:

That's correct. And then that routes it into a recharge basin so there isn't this direct discharge anymore. At least the sediments in it can settle out before it's reintroduced back into the ••

CHAIRMAN SCHNEIDERMAN:

So, it probably can be funded either way. The question is which is more beneficial to the County.

LEG. ALDEN:

Well, then it surprises me that it would be put forward in the 477 account because we just approved a resolution that was put forward by the County Executive's Office that •• to make improvements to the sewer system. And we didn't use surplus capital that we had in the 477 account there. We went out and borrowed money on the market. So, now this just surprises me •• confuses me that, you know, this lack of consistency as far as where we want to use money from. So, you know, I think we need an explanation on that. But what technical imperfections are in this that you referenced before?

CHAIRMAN SCHNEIDERMAN:

Before we get to that, I just wanted to say I think what your basic point is if we take money out of the water quality funds, we'll have less money for water quality projects that we couldn't fund with other sources. Right? So, this could potentially be harmful •• it could jeopardize other projects that need to be funded out 477.

LEG. ALDEN:

Well, I mean we have to look at that because we don't have a priority list obviously on the 477 account; but I'm looking at the inconsistency as far as ••

CHAIRMAN SCHNEIDERMAN:

Right.

LEG. ALDEN:

•• trying to take money out of this and there's five other resolutions pending that would take additional millions of dollars out of that account. So, I think we have to look at the overall scheme of things.

CHAIRMAN SCHNEIDERMAN:

That's an important point. On your second question about the other technical flaws, I'm going to turn to Counsel who has pointed out some problems to me about the way this resolution is written.

MS. KNAPP:

Well, I guess I had some micro and macro concerns. The second to the last resolve refers to the transfer in the amount of 500,000. And then it actually refers to a million, 20 thousand.

So, that is, I guess a technical concern. The more major concern that I have is that if you read the Suffolk County Charter, which was approved by the voters, about this kind of money, this 11.25%, you'll see that these projects must be recommended by the management committee of either the South Shore Estuary Program, the Peconic Estuary Program or the Long Island Coastal Management Program. And there's no reference in this or in any of the others, which, you know, have many millions of dollars to a recommendation by any of those groups.

CHAIRMAN SCHNEIDERMAN:

Was that true of the other ones we recently approved? Some of the seeding programs?

MS. KNAPP:

Well, this issue actually came up for the first time yesterday morning in the Budget Committee. And it was only then that I was asked to begin a legal research. So, I haven't gotten quite that far yet. And I sat with some of the Budget Review people late last night. And we were trying to dig out and we're in the process of trying to do that. The memo, I think, is going to be ready for the next cycle.

CHAIRMAN SCHNEIDERMAN:

I actually remember asking the specific question whether these 477 proposals go through any review process. So, I thank you for bringing that to our attention that there is a mechanism built into the Charter that provides for that. So, clearly we can't do anything with this bill now. I think it's something you're going to have to look at, Mr. Foley, whether you want to continue to pursue this funding mechanism for this project; and if so, it sounds like you will have to go through a certain procedure and get those approvals. And •• but there are other funding mechanisms. And it might speed up the process to come back with a resolution to do this as a Pay•As•You•Go capital project. And I don't know that there's objections to the actual project. I think you'll find support for it.

COMMISSIONER FOLEY:

Okay. Thank you.

LEG. LINDSAY:

One comment.

CHAIRMAN SCHNEIDERMAN:

Legislator Lindsay.

LEG. LINDSAY:

We have approved prior projects that dealt with storm water run•off •• that's why I asked that right at the start •• out of the 477 account. Just •• I know we did it with the filtration system that Legislator Bishop was sponsoring last year about the •• to remediate the storm water run •off. So, there is precedence to use 477 for storm water run•off. As far as the oversight committee, you know, that's something that I was unaware of, that, you know, if that's the case, then this would have to go before that committee.

CHAIRMAN SCHNEIDERMAN:

It's possible we varied in the past with approving these without that recommendation, but nobody brought it to our attention. Okay. So, there's a motion to table by Legislator Carpenter, a second by Legislator Alden. All in favor? Any opposed? **Resolution tabled. (Vote: 6•0)**

All right. That concludes our agenda. Motion to adjourn. Okay. We are adjourned.

(THE MEETING CONCLUDED AT 11:49 AM)